



THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for April 6, 2006

Minutes approved January 10, 2008

Members in Attendance:

Kathleen Baskin	Designee, Executive Office of Environmental Affairs
Marilyn Contreas	Designee, Department of Housing and Community Development
Jonathan Yeo	Designee, Department of Conservation and Recreation
Arleen O'Donnell	Designee, Department of Environmental Protection
Gerard Kennedy	Designee, Department of Agricultural Resources
Mark Tisa	Designee, Department of Fish and Game
Joseph E. Pelczarski	Designee, Massachusetts Office of Coastal Zone Management
Thomas Cambareri	Public Member
Scott Horsley	Public Member
David Rich	Public Member
Bob Zimmerman	Public Member

Others in Attendance:

Mike Gildesgame	DCR
Michele Drury	DCR
Bruce Hansen	DCR
Linda Hutchins	DCR
Anne Monnelly	DCR
Margaret Callanan	EOEA
Wayne Sonntag	USGS
Peter Weiskel	USGS
Dave Armstrong	USGS
Robert Judson	Wilkinsonville Water District
Janet Clark	Wilkinsonville Water District
Jeanne MacDonald	Wilkinsonville Water District
Christopher Nowak	VHB
Paul Gorman	Marblehead/Swampscott YMCA
Paul Lauenstein	WSCAC/Neponset River Watershed Assn.
Margaret Kearns	DFG, Riverways
Kari Winfield	MassDEP
Jon Beekman	SEA Consultants
Duane LeVangie	MassDEP
Leslie O'Shea	MassDEP
Eileen Simonson	WSCAC
Vandana Rao	EOEA
Mike Stankovich	North Attleboro DPW

Kerry Mackin	Ipswich River Watershed Assn.
Margaret Van Deusen	Charles River Watershed Assn.
Gabrielle Stebbins	DFG/Riverways
Pam Heidell	MWRA
Marilyn McCrory	CZM
Ralph Abele	U.S. EPA
Deidre Menoyo	Environmental League of Massachusetts Lawyers Committee

Agenda Item #1: Executive Director's Report

Baskin welcomed two new public members of the Water Resources Commission: Thomas Cambareri, who will represent the groundwater industry, and Scott Horsley.

Hansen provided an update on the hydrologic conditions for March 2006. He noted that March 2006 had been the second driest on record, according to National Weather Service records dating from 1872 for Boston and Worcester. Hansen reported that a deficient snowpack has resulted in red flag fire warnings and below-normal ground water and streamflows.

Baskin announced that EOEa, the Office of Technical Assistance, and the Water Policy team are hosting a water resources management conference on April 18.

Open Forum:

O'Donnell announced that she could provide copies of the final decision on three appeals from water withdrawal permit modifications under the Water Management Act. The decision sustains MassDEP's water conservation conditions for the towns of Hamilton, Topsfield, and Wenham to limit the impact of withdrawals on the Ipswich River. She added that this decision signals the intent to condition Water Management Act registrations, which come up for renewal in 2008. It further defers to the Water Resources Commission to decide what those conditions should be. MassDEP intends to draft a proposal to present to the Water Resources Commission.

Sonntag updated the commission on the USGS groundwater Climate Response Network, which was established to examine the response of groundwater systems to climate change.

Agenda Item #2: Vote: Water Needs Forecasts for Wilkinsonville Water District, Sutton

Drury summarized the updated water needs forecast for the Wilkinsonville Water District in the town of Sutton. She noted that the water district is currently in compliance with its permit, but it expects substantial growth in the residential and nonresidential sectors. It is therefore requesting an increase in its permitted withdrawals in the Blackstone River basin. She responded to questions on the forecast. Tisa questioned the notation "Not Applicable" to Standard #7 – Industrial, Commercial, and Institutional Water Use – in the summary of the district's compliance with the Water Conservation Standards. Drury explained that this standard is directed to ICI users themselves; the Water District's responsibility is to do outreach and education to ICI users. Simonson countered that water districts are legal entities that have the

authority to establish regulations and bylaws, such as conservation bylaws and drought response bylaws. She requested legal clarification for the Water Resources Commission and urged the commission to exercise its jurisdiction in these matters. Yeo commented that ICI users must abide by the state plumbing code.

Horsley asked how much water use represents consumptive use of water and how much is returned to the basin. He added that he assumes there are consumptive losses via evapotranspiration as a result of both residential and commercial irrigation. Beekman replied that the residential water use rate of 61 gpcd indicates that residents are generally being good stewards. LeVangie added that MassDEP is still evaluating the permit. Because the withdrawal is in a low-stress portion of the Blackstone basin, the offset provision is not automatically included as a condition of the permit. Nevertheless, MassDEP is concerned about the impact of the wells on small tributaries.

Kennedy asked what the urgency was in taking a vote on the projections at this meeting. Beekman replied that projects have been denied over the past six months by the town and the Water District until the projections are approved and the Water Management Act permit is issued. Rich commended the water district for seeking new projections prior to violating its WMA permit and said he wished that more water suppliers would do this. He added that a community has more control over its water resources if new development obtains water from the public water supplier rather than from private wells, and that private water supplies are not in the best interests of the community.

V O T E	A motion was made by Yeo with a second by Rich to approve the water needs forecast for the Wilkinsonville Water District, as per the March 2006 Community Water Supply Summary.
	The vote to approve was unanimous of those present.

Agenda Item #3: Vote: Request for Determination of Applicability under the Interbasin Transfer Act of YMCA at Leggs Hill

Drury reviewed the background on the project (see WRC meeting minutes of March 9, 2006). She said staff recommends that the WRC find that the Interbasin Transfer Act is not applicable to this project because it falls under the MWRA “straddle policy,” a copy of which is included in the staff recommendation on this project. She provided clarification on a question raised at the March WRC meeting, stating that the Marblehead superintendent of water confirmed that the project, located partly in Salem, would have no adverse impact on water customers in Marblehead.

Tisa asked for clarification on restrictions on the amount of water Marblehead can obtain from the MWRA. Drury explained that if Marblehead physically increased its capacity, it would be subject to the Interbasin Transfer Act. Yeo clarified that Marblehead is one of 30 communities considered “member communities” of the MWRA, and these communities have no restrictions. In response to a question from Zimmerman, Drury confirmed that Marblehead would also

provide sewerage services through the South Essex Sewerage District and noted that the staff recommendation applies only to the provision of water from the MWRA.

V O T E	<p>A motion was made by Contreas with a second by Zimmerman to find the Interbasin Transfer Act is not applicable to the North Shore YMCA proposal, through the MWRA Water Connection Policy #9, for a connection to the MWRA through Marblehead.</p> <p>The vote to approve was unanimous of those present.</p>
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Agenda Item #4: Vote: North Attleborough's Hillman Well

Baskin provided background on the Hillman well, explaining that North Attleborough has been operating the well since 1987 but did not apply for or receive approval through the Interbasin Transfer Act. An alternative procedure that will waive the Interbasin Transfer Act application process is being proposed. A waiver would mean that North Attleborough would not have to file an Environmental Impact Report. Drury added that in 2003, the Water Resources Commission was briefed on this issue and directed staff to work with MassDEP to incorporate environmental and water supply management safeguards of the Interbasin Transfer Act into an Administrative Consent Order. She summarized technical details of the draft staff recommendation. Baskin emphasized that she did not anticipate asking the WRC to waive the IBTA approval process for future projects.

O'Donnell asked what standards would apply if the Hillman well were new and coming in for approval. The answer was that if the community's residential water use were above 65 gpcd, a conservation plan to reduce use to the standards would be required.

Tisa questioned the viable sources in the receiving basin. The decision would require North Attleborough to identify and develop water supply sources in the Ten Mile basin before the developing sources in the Blackstone. Tisa asked if the WRC can require that future well sites be acquired or protected. Callanan responded that the WRC cannot require anything that would not have been done in a typical review process. Simonson suggested that a MEPA alternatives analysis would have been required and stated her belief that the WRC could require it, in lieu of the MEPA process. Simonson acknowledged that this is an unusual situation and said she would not ask North Attleborough to give up this well for another one. But she agreed that alternative sources should be identified and protected for the future. Yeo indicated that this would be part of the Local Water Resources Management Plan and said he did not think that the WRC could require that as a condition.

Stankovich stated that the town did everything that was required of it at the time the well was approved. He pointed out the state's failure to identify the need to go through the interbasin transfer approval process. Baskin replied that it was also in the town's best interest to identify and protect water supply sources. Stankovich agreed that it would be in the town's interest to develop water sources in the Ten Mile before the Blackstone.

Based upon a comment from Rao, there was discussion about the applicability of the current performance standards for residential consumption compared to the 1987 standards.

Zimmerman suggested conditioning well operation on the historic natural flows in Abbot Run prior to construction of the reservoirs. Discussion of whether condition #3 in the staff recommendation should be strengthened concluded with a request from Drury that Zimmerman provide specific language for the condition.

Mackin expressed concern about the requirement that a plan be in place to meet the performance standards. She noted that the Interbasin Transfer Act requires that all practical conservation measures have been taken prior to authorization of an interbasin transfer. She suggested adding language to make it clear that this approach is not a precedent that can be applied in the future. Baskin responded that such language would be added to the staff recommendation.

Drury reviewed the conditions outlined in the draft staff recommendation. Following discussion of the conditions, Baskin clarified that the vote being taken today was on the waiver of the IBTA application process. A second, later vote, would be on approval of the interbasin transfer, based on conditions required by the commission. Menoyo commented that this vote does indeed set a precedent.

O'Donnell stated that the standards applied to North Attleborough should be consistent with the standards applied to any other interbasin transfer, and that these standards should be 65 gpcd for residential use and 10% for unaccounted-for water. She added that enough time to achieve these standards should be allowed, but the standards should not exceed 65 gpcd and 10% UAW.

Cambareri asked if the town has a bylaw for a water resource protection district. Stankovich responded that the town has a Zone II Aquifer Protection District.

Tisa asked legal counsel for clarification on the reason for voting on the waiver of the application process. Callanan responded that though the commission authorized this approach in 2003, no formal vote was taken. In addition, she said there needs to be a public hearing on this approach. Tisa suggested that public hearings be held after conditions endorsed by the commission have been decided upon. Drury responded that the Interbasin Transfer Act requires public hearings on the application, and it is WRC policy to hold a public hearing on the staff recommendation. In this case, public hearings on the application and on the staff recommendation are being combined. Contreas added that the public hearing process will inform the conditions.

Tisa requested clarification of legal counsel, for future reference, on whether the commission can require a town to protect a viable source within a basin.

Drury again clarified that the vote being requested was on the waiver of the IBTA application process, which would include permission to allow staff to continue to work with MassDEP and the town to incorporate appropriate conditions of the interbasin transfer into the ACO and WMA permit, to hold public hearings, and to return to the commission with a final staff recommendation. Kennedy clarified that the alternative is to require a full interbasin transfer application as if the well were not already in place, and added that this did not make sense.

There was some discussion of the wording of the motion. Baskin pointed out that there is a provision in the regulations for a waiver.

V O T E	<p>A motion was made by Yeo with a second by Kennedy to waive the Interbasin Transfer Act application process for the Hillman well as per the North Attleborough letter of March 23, 2006. The Water Resources Commission will develop conditions for operation of the well pursuant to the Interbasin Transfer Act.</p> <p>The vote to approve was unanimous of those present.</p>
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Drury announced that two public hearings would be held on April 18, 2006.

Agenda Item #5: Presentation: Index Streamflows for Massachusetts

Hutchins provided a presentation on the draft Index Streamflows for Massachusetts. She clarified that these are not regulatory standards, but instead describe natural streamflows in Massachusetts. The presentation reviewed the background on development of index streamflows, summarized the methodology developed and the results, and outlined future work on the subject.

Meeting adjourned

Attachments distributed:

- Current Water Conditions in Massachusetts, April 6, 2006
- Department of Environmental Protection. Final Decision in the Matter of Town of Hamilton, Town of Topsfield, and Town of Wenham.
- Map: Massachusetts and Rhode Island USGS Ground-Water-Level Conditions – March 2006
- USGS Ground-Water Climate Response Network: report from <http://groundwaterwatch.usgs.gov>
- Letter dated April 3, 2006, from Anthony Sasso, Town Administrator, Marblehead, to Mr. Fred Laskey, MWRA, supporting the YMCA's application.
- North Attleborough Administrative Consent Order, January 20, 2006.
- Draft, Index Streamflows for Massachusetts. April 6, 2006.